IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7601 of 2007()

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CRMP.3706/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.1104/07 OF KOLLAM EAST POLICE STATION

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PETITIONERS/ACCUSED 3, 6, 7, 8

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1. SAIFUDEEN, S/O.BASHEER, AGED 24 YEARS,
RESIDING AT THEKKAYAM LEKSHAAM VEEDU,
VADAKKEVILA P.O., KOLLAM.

2. SHAMEER, AGED 28 YEARS, S/O.HANEEFA,
VELIYIL VEEDU, VADAKKEVILA P.O.,
KOLLAM.

3. SIDIQUE, AGED 20 YEARS, S/O.RAHIM,
PUTHUKULANGARA VAYALIL VEEDU,
VADAKKEVILA P.O., KOLLAM.

4. SAJEER, AGED 21 YEARS,
S/O.SHAMSUDEEN, THEKKAYAM LEKSHAAM VEEDU,
VADAKKEVILA P.O., KOLLAM.

BY ADV. SRI. K.SIJU

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY
S.I OF POLICE, KOLLAM EAST POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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**B.A. No. 7601 OF 2007**

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**Dated this the 10th day of December, 2007**

**ORDER**

Application for anticipatory bail. The petitioners are accused 3, 6, 7 and 8. Altogether, there are 8 accused persons. The petitioners are named in the F.I.R. The alleged incident took place on 22/10/07. Political animosity was the alleged motive. The injured persons belong to the R.S.S. and the accused persons belong to the C.P.I.(M). The crime is registered for offences punishable, inter alia, under Sec.308 read with Sec.149 of the IPC. Iron rods and pipes were allegedly used for the commission of the offence. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Inclusion of the

offence under Sec.308 of the IPC shows that the allegations are raised without any bona fides.

3. The learned Public Prosecutor has placed before me the wound certificate of the two persons who had suffered injuries. They have suffered only insignificant injuries. The learned Public Prosecutor does not, in these circumstances, oppose the application for anticipatory bail and I am satisfied, in the facts and circumstances of this case, that the petitioners can be granted anticipatory bail.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioners shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 17/12/07. They shall be released on regular bail on their executing bonds for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 18/12/07 and 19/12/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month. Subsequently, they shall so make themselves available for interrogation before the Investigating Officer as

and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if these directions were not issued at all;

(iv) If the petitioners were arrested prior to their surrender on 17/12/07 as directed in clause (i) above, they shall be released on their executing bonds for Rs.25,000/- each without any sureties undertaking to appear before the learned Magistrate on 17/12/07.

Sd/-

**(R. BASANT, JUDGE)**

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P.S. to Judge